

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRIMAR SYSTEMS, INC.,

Plaintiff,

-vs-

POWERSDINE, LIMITED,

Defendant,

Case No. 01-74081
Hon: AVERN COHN

CHRIMAR SYSTEMS, INC.,

Plaintiff,

-vs-

FOUNDRY NETWORKS, INC.,

Defendant,

Case No. 06-13936
Hon: AVERN COHN

CHRIMAR SYSTEMS, INC.,

Plaintiff,

-vs-

Case No. 06-13937
Hon: AVERN COHN

D-LINK SYSTEMS, INC.,

Defendant.

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SCHEDULING ORDER

This is a patent case involving a single patent and two (2) sets of paradigm devices, generally described as the mid-span devices and end-span devices. There are three (3) defendants, two (2) of which, Powersdine and Foundry Network, are represented by the

same law firm.

As a follow-up to a letter to the Court dated September 15, 2009, the Court held a telephone conference on September 17, 2009. This order memorializes the conference.

1. Fact discovery is completed.
2. A motion for reconsideration of the claim construction order (**Dkt. 95**) is pending and has been stayed (**Dkt. 99**).
3. Defendants intend to file for separate summary judgment on grounds of collateral estoppel as to each set of devices; only two (2) motions will be filed. The motions shall be filed within ten (10) days.
4. Defendants intend to file a for summary judgment on grounds of patent invalidity once expert discovery is completed. This motion shall be filed by December 30, 2009; plaintiff shall respond by January 15, 2010; and defendants shall reply by January 30, 2010.
5. Defendants intend to file motions for summary judgment of non-infringement.

Two (2) separate motions will be filed as follows:

- mid-span device
- end-span devices: form A and form B

The parties shall cooperate in their motions to the extent practical relating to the several devices. The motions shall be filed according to the schedule set forth in paragraph 4 above.

6. Expert discovery shall be completed by November 30, 2009, including exchange of expert reports, rebuttal expert reports and deposition of experts, according to

a schedule agreed upon by the parties. The schedule shall be filed with the Court. If the parties cannot agree a telephone conference shall be scheduled.

7. All motions shall be referred to Mark Lemley, a special master, for report and recommendation, as was the matter of claim construction (**Dkt. 38**).

8. The parties shall, within ten (10) days, file a chart displaying the patents in suit, the paradigm claims and the paradigm devices appropriately described.

Any objections to this order shall be filed within five (5) days.

SO ORDERED.

s/ Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 21, 2009

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 21, 2009, by electronic and/or ordinary mail.

s/ Julie Owens
Case Manager, (313) 234-5160